

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SERRINA A. DUKE,

Plaintiff,

Case No. 1:17-cv-898

v.

HON. JANET T. NEFF

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

/

OPINION AND ORDER

Plaintiff seeks judicial review of a decision of the Commissioner of the Social Security Administration. 42 U.S.C. § 405(g). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R & R), recommending that this Court affirm the Commissioner's decision to deny Plaintiff's claim for Supplemental Security Income (SSI) under XVI of the Social Security Act. The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation (ECF No. 29). Defendant filed a response to the objections (ECF No. 30). In accordance with 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Opinion and Order.

In objection to the Report and Recommendation, Plaintiff states simply that she is unable to work full or part-time anywhere, her children help her out with her daily needs, and in the months of June and July (2018), she has received two injections, one for her right shoulder and the other for the right knee. Plaintiff lists more than a dozen conditions from which she suffers, and states that the Court should base its decision on all of her disabilities (ECF No. 29 at PageID.798).

As Defendant points out in response, Plaintiff's statements set forth no valid objection to the Report and Recommendation of the Magistrate Judge. A party filing objections to a report and recommendation is required to "specifically identify the portions of the proposed findings, recommendations or report to which objections are made and the basis for such objections." W.D. Mich. LCivR 72.3(b); *see also Freeman v. Sec'y of Health & Human Servs.*, 972 F.2d 347, 1992 WL 197286, at *2 (6th Cir. 1992) (table decision); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991). Moreover, as Defendant further points out, Plaintiff's current medical conditions and treatment are not proper considerations with respect to her appeal of the Administrative Law Judge's June 17, 2016 decision. Nor does the mere diagnosis of a condition or multiple conditions justify relief. *McKenzie v. Comm'r, Soc. Sec. Admin.*, 215 F.3d 1327, at *5 (6th Cir. 2000) (table decision) ("the mere diagnosis of an impairment does not render an individual disabled nor does it reveal anything about the limitations, if any, it imposes upon an individual"). Plaintiff's objections demonstrate no factual or legal error in the Report and Recommendation of the Magistrate Judge.

Accordingly:

IT IS HEREBY ORDERED that the Objections (ECF No. 29) are DENIED, the Report and Recommendation of the Magistrate Judge (ECF No. 28) is APPROVED and ADOPTED as the Opinion of the Court, and the decision of the Commissioner of Social Security is AFFIRMED.

A Judgment will be entered consistent with this Opinion and Order.

Dated: September 6, 2018

/s/ Janet T. Neff

JANET T. NEFF
United States District Judge